

## ■ **Lilla Farkas – Gábor Kézdi – Sándor Loss – Zsolt Zádori:**

### **Today's practice of the police in racial profiling**

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#### **Summary**

Taking a short visit in jails of different countries and realising the huge number of ethnic minority prisoners may lead us to a conclusion that ethnic minority has a much higher criminal record than ethnic majority. In Hungary, where discrimination can be well observed in general, the problem is very similar in almost every field of life except the very place of jails where Gypsies dominant.

There is a very serious debate all over the World about what should be done against this undesirable situation. In Hungary, since the change of regime, every important public matter is available to study without any restraints but researchers and decision-makers still could not find the answer for the above-mentioned question.

This essay examines only one certain point of the discrimination as it was studied by the MHB between 2001-2003. The concrete subject of this research was - maybe not surprisingly - the practice of racial profiling of the police. Despite the restricting rules of personal data protection and court attitude, we processed a great number of files and based on these samples we explored some remarkable pieces of inheritance.

Analysing the relevant special literature it became clear that there was no such a phenomenon as Gypsy-crime: this phrase was developed in the interest of the possibility of controlling the ethnic minority by greater police forces. This theory is verified by the observation which proved that different instruments were used in criminal investigations depending on whether the suspected is a Gypsy or a non-Gypsy.

When it is proved that a measure (a commanding order for example) causes disadvantages for Gypsies contrary to

non-Gypsies the current law speaks about direct discrimination. When the applied measure is seemingly not discriminative on paper but it is in practice - like in several cases - we speak about indirect discrimination.

### Background

As it was already pointed out, in Hungarian jails Gypsies are the dominant ethnic. Up to the present we have got only two different and at the same time extremely prejudicial explanations for this dominance: the first one claims Gypsies tend to commit crimes in higher proportion than non-Gypsies in consequence of sociological-cultural and financial reasons. The other theory states that all the people who have any role in the criminal investigation process (policemen, prosecutors, judges, even plaintiffs and witnesses) are racist.

Since none of the above mentioned theories helped us to find out the true reasons of the existing discrimination the MHB developed a mainly sociological and statistical based research system which was preceded by a test-research to sort out possible methodical problems. This way we established an unprecedented and unique process that enabled us to examine reliably and objectively the question of "Gypsy-crime".

### The phenomenon of discrimination

We defined discrimination as an intended or unintended act (legal consequences, treatment, etc.) that affects Gypsies much disadvantageously than non-Gypsies. It was also considered as discrimination when ethnic difference was just one of the several different reasons which led to discrimination in case if this reason was the most essential one.

### The phenomenon of Gypsy-Roma

We referred the suspect as a Gypsy in all cases when anybody involving in the criminal investigation process took any kind of comment which suggested that the accused was a Gypsy.

### Researching method

Establishing our researching method we had to pay attentions to the strict personal data protection in one hand and the difficulties of suspects ethnic determination on the other. In conclusion, we adopt a method that was elaborated for one of the British government's projects (Commission for Racial Equality) by Roger Hood, titled Race and Sentencing (published in 1992).

The data base for the statistical working up was produced by analysing court files. However this procedure did not make us enable to examine the entire spectrum of discrimination against Gypsies in criminal investigation processes, since some groups of criminal investigation acts (identity check, arrests for example) were not provided according to ethnic.

### **Possibility of research in court files**

Sociology of law cannot exist, absorbed sociologic and scientific evaluation of the work of the courts cannot be realized if scientists cannot get access to court archives. If research is limited to general (national) archives, scientific analysis would lose its relevancy and be ousted from the world of living law.

It was clear that there were no special norms on research within court archives, nevertheless the confusion we made among actors of jurisdiction with our request was surprising. Though in the last few years several important jurisprudential works were made based on researches in court records — like the one by Krisztina Morvai on the delicate matter of violence inside the family or the paper on indemnification by Legal Defence Bureau for National and Ethnic Minorities —, meanwhile we were informed that colleagues from state research institutes and faculties of law faced similar difficulties when requesting the right to inspect court files. Till the end of our work courts of some counties had worked out a common practice that it was prohibited to make scientific researches in court archives. According to our experience, these counties are Borsod-Abaúj-Zemplén, Szabolcs-Szatmár-Bereg, and the courts of the capital, Budapest.

### **Sampling**

The targets of the observation were all definitively finished cases of theft, petty theft and robbery with full documentation, which had started in 1999 (at smaller local courts cases started in 1998 or 2000 as well). The single unit of the observation was the principal defendant of these cases. All details were from court files.

Algorithm used in this survey was a two-step, layered sampling. First of all we selected courts, then files. The aimed amount of units was a number of 1000-1100 files from 15-20 courts. Finally we worked out altogether 1147 files from 18 courts. In the course of sampling we made efforts to let the sample reflect on reality in terms of regional differences, therefore we chose courts from regions either of a high, an average or a weak density of gipsy population. Eighteen courts out of thirty-seven authorized the survey. The territorial competence of these courts serve as a residence for about 18 per cent of all the gipsy population of Hungary.

Permission for the research was in close connection with the number of gipsies living in that region: the proportion of gipsy people was 11.3 per cent on the territorial

competence of courts that did not authorize surveying their files or did not answer on our request, the same rate was not more than 4.5 per cent on the territorial competence of courts that had authorized our work. In counties Borsod-Abaúj-Zemplén and Szabolcs-Szatmár-Bereg only one court out of ten requested authorized the survey. 26 per cent of courts denied the authorization in regions where the density of gipsy people is less than 6 per cent, whereas the rate of denial was 78 per cent in regions where the density is more than 6 per cent.

It resulted a malformed sampling: territories densely populated by roma people are misrepresented. Sad to say: we did not have the chance to amend this situation. If the treatment received by gipsies in these regions is different in investigation and judicature, than it deformed our results as well. We have every reason to suppose that the reason for denials is remorse or fear. Results of preceding researches show that there's a stronger hostile attitude against gipsies in these regions among authorities. If it's the same with us — and it has a chance —, it results that practice explored in this research shows a more favourable picture on equality before the law than reality.

We used the details on structure of criminality of gipsies when choosing the observed types of delicts. According to details by László Pomogyi, in the first half of the twentieth century the rate of gipsy committers was higher than their frequency in the whole population only in case of delicts against property. A higher amount of gipsies were sentenced because of theft, robbery, receiving stolen goods and fraud. These conclusions tally with statements by Emil Molnár in his 1926 work on the criminality of gipsies: *“their delinquency culminated in delicts against property.”*

When preparing for this research we decided to examine the files of two types of crimes. The reason for choosing theft was the big number of cases, and, on the other hand, we supposed that we'll find less instance documenting a very special treatment where officials are “used to” the presence of gipsy committers. The reason for choosing robbery was the seriousness and the character (using violence), the degree of the expected penalty and the probable remand, and the opinion of those who know this topic well that the “overrepresentation” of gipsies can be best observed among robbers.

In our final model we worked out altogether 1147 cases. Procedure against 216 juvenile and 931 adult offenders was involved into the research.

### **Racial/ethnic profiling as a factor of discrimination**

In this paper we inform about the results concerning the part of the police of our research on criminal procedure. We examined, how accused people got into the scope of the authorities. We found a sharp deviation when examining *flagrante delicto* on one hand, and identity check (including traffic control) on the other hand. We took details on other types of police measures as well (e.g. identification by witnesses, social contacts, warrant), but these did not show a sharp difference in gipsy-non-gipsy relation.

Details and conclusions below harmonize with results of Anglo-Saxon researches examining discrimination against “visible minorities” in the criminal procedure. In the draft we noted that because of the borders of this method and the lack of ethnical breakdown of details on identity check and arrestment we cannot expect the plastic representation of racial profiling. In spite of our reservations **it seems to be unequivocal that practice of racial profiling is highly accepted in Hungary and appears as an important component of discrimination against gipsy people in the criminal jurisdiction.**

Table 1.  
How the accused got into the scope of the authorities (juvenile and adult together)

Getting into the scope	Non-gipsies	Gipsies	Aggregate
Unknown committers	48,05	55,06	49,98
Concrete person	17,72	12,53	16,29
More than one known persons	1,47	2,82	1,84
Known and unknown	0,89	2,11	1,23
Person named by the informer	8,95	13,88	10,31
Flagrante delicto	22,91	13,59	20,34
Aggregate	100,00	100,00	100,00

According to the global details every second committer was unknown to the authorities when starting the procedure. It’s seven per cent more frequent that a committer considered to be gipsy later was unknown. Every fifth offender was caught in the act but there is a sharp deviation between gipsies and non-gipsies. 23 per cent of non-gipsy committers was caught like that, while among gipsies this rate is only 13 per cent.

The difference resulted by *flagrante delicto* is equalized later, when gipsy committer are identified with the help of the denunciator’s observation or any other way.

The level of deviation is even higher in our model if we compare the group of gipsy (252) and non-gipsy (568) accusees, and observe that in case of gipsies (where there are details on the ethnical profile in the files) 57 per cent of defendants was unknown when starting the procedure, while in case of non-gipsies this rate is 47 per cent. We can recognize a still more spectacular difference in *flagrante delicto*. 21 per cent of gipsies and 38 per cent of non-gipsies were arrested after being caught in the act.

There can be more explanations on the deviation. Theoretically it’s possible that gipsies are better at avoiding being caught in the act, but the reason for the sharp difference can rather be that non-gipsies can be involved under the criminal procedure

primarily when they are caught in the act. Therefore it’s more likely that a non-gipsy committer avoids taking the responsibility if there’s no *flagrante delicto*.

István Tauber, leader scientist of this field, said once: “It has already been written down forty years ago in the American special literature that people of a bad social status got caught easier, especially if the colour of their skin showed where they belong to. In Central-Eastern Europe level of prejudice is high and police forces have the stereotype that the frequency of criminality among gipsies is much higher. (...) Because of the racial labels gipsy committers are remembered, while all the others are forgotten, and this contributes not only the police but all those who apply the law to become prejudicial.”

This rate has changed when examining identity check, which is used usually if centrally commanded, on well-defined directives. These directives may contain directions on controlling gipsy, foreign or dark-skinned persons more often or on concentrating on venues where these people regularly occur. At certain departments — according to our information — the number of identity checks to be accomplished is fixed. All citizens have to take their ID card with themselves and give it to the policeman if asked. One can be arrested and called to account for a minor offence in case of breach of this duty.

Table 2.  
Identification of the accused by identity check or traffic control (both juvenile and adult)

Type of crime	Non-gipsies	Gipsies	Aggregate
Petty theft	13	27	17
Theft	23	33	26
Robbery	20	23	22
Aggregate	17	29	20

In every fifth case examined by us it was an identity check when the authorities arrested the charged person. It’s hard to decide whether it’s a lot or not. However, this rate among non-gipsies was only 17 per cent, as against 29 per cent among gipsies. *This deviation is significant.* In case of more serious crimes differences between identity checks and *flagrante delicto* decrease. One of the reasons can be that methods mentioned above (e.g. the false acknowledgement among gipsies) work less effectively.

On the other hand, the more serious is the crime, the more important is the identity check, namely more committers involved in the procedure that way. Among committers of theft this rate is one fourth, among committers of robbery it’s more than one fifth. This general trend can be noticeable in case of non-gipsies as well, but this doesn’t stand on gipsy people, where the identity check is the most successful with thieves: every third is caught like this, which rate is 7 per cent higher than the mean



value and exactly 10 per cent higher than the value observed among non-gipsies. The situation is similar in case of petty theft. Every fourth gipsy committer of petty theft is caught after an identity check, while only every eighth non-gipsy. The deviation from the general mean is as sharp as it was in case of theft.

We found the weakest level of deviation between the ethnical groups (compared to the allover values) in case of robbery, which let us to come to an interesting conclusion. Why do sharp differences that exist in case of less serious crimes equalize on this level? Is it possible that tricks of the police that cause the ethnical inequality do not work here? Or, do ethnical models and makings that made appearance against gipsies more successful in case of theft and petty theft, disappear when someone commits a robbery? By chance, do the police treats robbery as a so serious crime that they make the same efforts on finding gipsy and non-gipsy committers as well?

There's still an other question: why is the effectiveness of identity checks the weakest when searching for robbers? Surely it cannot be the more drooping attention by the authorities what causes this, since this type of criminality is the most dangerous on the society, so that the police is highly motivated on finding the offenders with using the tested methods.

Table 3.  
*Identity check, traffic control (only adult)*

Type of crime	Non-gipsies	Gipsies	Aggregate
Petty theft	14	30	18
Theft	23	36	26
Robbery	19	28	22
Aggregate	17	32	21

There's a sharper difference between the ethnical groups if we take a look at the results of adult offenders, compared to the global model including details of juveniles (17 per cent of non-gipsies, 32 per cent of gipsies). And, although the gap opened between the two groups, altogether the total rate of those who were caught in an ordinary check is almost the same in the model of adults and the global model including juvenile offenders.

The observation does not seem to hold that among adult offenders the more serious is the crime, the smaller is the difference between the two ethnical groups. Even in case of robberies with 9 per cent more gipsy committers are caught with the help of common identity checks. We have to answer the question, why this difference exists in case of adult offenders. *Accepting opinions that at some police departments documentation about gipsy committers used to be collected earlier legally is still in use can account for the bigger success among adults.*

In both groups 22 per cent of caught committers of robberies was arrested after an ID check. But, ethnical differences are remarkable. In case of robberies differences between gipsies and non-gipsies in being arrested like this are compensated in the total model. Among adults difference is significant according to the details above. However, among juvenile offenders the trend observed so far changes, and lower rate (19 per cent) of gipsies charged with a robbery are arrested after an identity check than of non-gipsies (24 per cent). We have to emphasize that it's only in case of robberies and theft (and not petty theft) committed by juvenile offenders that more non-gipsies are arrested after an ID check than gipsies.

Table 4.  
*Identity check, traffic control (only juvenile)*

Type of crime	Non-gipsies	Gipsies	Aggregate
Petty theft	12	18	14
Theft	26	22	25
Robbery	24	19	21
Aggregate	19	20	19

19 per cent of juvenile offenders is caught in an identity check, it's similar to the result among adults and the overall results. However, there is a sharp difference in breakdown by ethnical groups. The number of gipsies arrested this way is only in case of juvenile offenders of theft and robbery shows a lower value than the number of non-gipsies. What makes the importance of this difference bigger is that in all three models (juveniles, adults and allover) ID checks brought in results rather in these cases and not in the case of petty theft. And, finally, among juveniles the difference between ethnical groups and the deviation from the mean values is weaker.

What can be the reason for the differences decreasing like it's written above? May we suppose that the attitude of policemen differs when approaching young or adult gipsies? Or, are they more suspicious facing a youngster? And, is it true that the more serious is the crime, the more acceptable are these assumptions? Surely we find the smallest deviation between the model of juvenile offenders and the other two models in case if petty theft.

In our opinion there are two variables examined by us that can influence the decrease of differences. On one hand it's the location of the crime, on the other hand it's the offender's previous record.

Every fifth person accused with a crime was caught at a simple identity check, and this rate is right either we count cases at smalltown courts or courts of county seats. Seventeen per cent of non-gipsy people charged was caught this way, not depending on the type of the city. The only strong difference is found in case of gipsy persons accused. While in procedures in front of courts of county seats 31 per



cent of charged gipsy people was involved in a common identity check, this rate is only 24 per cent in small cities. It's worth to mention a less strong trend that only in small cities the more serious the crime, the higher the rate of those gipsies who were identified during an ID check. This observation is to be completed with experiences in bigger cities, where results of ID check show being ethnically balanced in case of a robbery. So, the differences between bigger and smaller cities are made of results in cases of theft.

Results above show that in small cities probably they more or less know the possible quarters of committers better and this makes them doing identification with a not so formal screening, while in a big city every third gipsy accused with a crime is caught at a general screening. For police forces these results show that this procedure is so effective that there is no reason for working out and using a new screening system on a non-ethnic ground, moreover, it would be totally against their "interests".

**We have to emphasize that values written above are from court files. We do not own any documentation on identity checks or arrests so that we do not know how and for what criterion policemen select people to be checked. All this grows the importance of being able to state with complete certainty that adult gipsy men living in big cities have to reckon upon an ID check with the biggest chance.**

Results of the survey are in harmony with the practice of "gipsy lines" among police forces in the seventies and the eighties, when routinish identity check of gipsies was thought to be the most effective way of preventing or at least forcing back "gipsy criminality". There are reports by leader policemen from these decades which tell about "continuous check" of suspicious gipsy persons and territories where they live or occur.

Differences explored in this survey can be explained either with the attention of a higher priority that authorities pay on gipsies, or the effectiveness of their own special social relations ("espionage"). Yet some policemen has reported that the tactics of visiting premises where gipsies live and getting information from members of the community about committers using tools outlawed does exist. The problem is that discrimination in these cases is difficult to be proved, as it is seen from the report of year 2000 of the Parliamentary Commissioner for the National and Ethnic Minorities` Rights:

*"Suspicion of discrimination may arise in the other constituent area of the penal code, in the application of the criminal procedure law. For in many cases the individuals under criminal proceedings complain about why they have been brought under the scope of the activities of the investigating authorities and why did the police have to search their homes, and they feel that the police are more suspicious with respect to them than with respect to other potential criminals. Without going into detail, in general, it should be noted that in the case of the investigation of cases where the identity of the perpetrator is not known, the police follow an established regime of procedures. They have to search the location of the crime, check on the*

*group of potential perpetrators, in the case of which they take into account who had committed similar criminal offences applying the same methods before. In the case of the application of prompt actions of investigation - e.g. searches of homes of suspects - prejudice may influence the operations, however, discrimination can almost never be proven in such cases for the investigating authorities make their decisions relying on data originating from a wide variety of sources, including for anonymous reports.”<sup>1</sup>*

However, it’s possible that the police finds, where it searches. On the other hand, it’s definitely easier to search among gipsies, because of their living in clearly separated, contiguous, neighbouring localization in a city or at other premises. From the view of equality before the law the question to answer is: can we expect authorities to pay equal attention to identify or catch supposed committers who were not caught in the act even if their measures turn out to be more effective in case of members of a minority group which can be clearly distinguished after the colour of their skin? *Or, the only reason for higher effectiveness is the attention of high priority itself? As it is seen from some papers written by policemen still during the communist regime, the latter one is more established.*

Table 5.  
*Identity check, traffic control in procedure against unknown offenders (both juvenile and adult) in per cents*

Type of crime	Non-gipsies	Gipsies	Aggregate
Petty theft	18	28	22
Theft	24	25	24
Robbery	31	28	29
Aggregate	21	27	23

We can give a clear idea of this dilemma through a case from the report of year 1999 of the Parliamentary Commissioner for the National and Ethnic Minorities` Rights:

*"The teacher of a primary school (...) accompanied his pupils – two girls of Roma origin – into the town to perform certain tasks related to some school competition. The police patrol made him and his pupils descend the bus, emptied the contents of their school bags on the top of the engine compartment of the police car, checked them and then asked for the identification card of the girls. Because of their young age the girls had no identification card, so the policemen contended themselves by asking for and recording their data. The teacher had been told neither at the start nor at the end of the action for the reason of the action. (...) He believed that the girls had to identify themselves specifically because of their Roma origin. (...) The police action had been ordered by the officer on duty of the police*

<sup>1</sup> <http://www.obh.hu/nekh/en/reports/reports.htm>

*headquarters because on that same day several citizens reported by telephone that dark skinned pick-pocketing girls with black hair “operated” on the bus and two other reports had also been made against unidentified culprits for pick-pocketing. The police headquarters took the position that the policemen asked the girls to identify themselves in conformity to the provisions of act XXXIV. of 1994 on the police and it was also in conformity to the service regulations of the police that the clothing of the girls were searched. (...) Thus the police headquarters had been basically lawful in the opinion of the chief of police, but in order to avoid the reoccurrence of similar incidents which could be complained about, he believed it to be sufficient to give repeated instructions to the affected police staff. The girls had been subject to identification not because of their origin but because they resembled the girls who had been reported to the police.”*

Until the late eighties at police stations there were so called “gipsy-lines” that were specialized on “gipsy criminality” and “gipsy criminals”. More inquirers state that these old reflexes are still alive in the relation between the police and gipsies. Some think that at some police departments databanks of gipsy criminals are still in use and refreshed regularly, although this method has been qualified to become illegal for years.

*“The stereotype of gipsy delinquency was supported not only by the preconceptions of the majority and the press, but the establishment of the criminal investigation supplied it as well for decades. So-called gipsy-lines had existed until the nineties at police departments and had made an offensive through the medium of the press. Although these lines were abolished at the time of the democratic transformation, being of gipsy origin had been a characteristic sign in the practice of the police since 1996 when the head of the National Police Headquarters wrote in his internal instructions: **>it’s against the norms if the police indicates someone using expressions on nationality, ethnic groups or ethnic status when giving descriptions of someone in cases of apprehension or else<.** This paper also made clear that marking ethnical status would have made the investigation easier: **>however, this kind of labelling is unsuitable to identify physical characteristics in most cases and reprehensible as a professional method<.** In spite of these facts, in news on apprehensions of certain journals – when the source is the police – still there are references on the gipsy origin, and, moreover, some other statements make us think that collection of data on gipsy delinquency is still a practice among police forces.”<sup>2</sup>*

We cannot take a stand on this question, but surveying the ratio between investigations against known and unknown committers can prove that police forces identify gipsy committers more successfully. In our model 48 per cent of non-gipsy committers were unknown when starting the investigation, while this rate among gipsy committers is 55 per cent. Forces had data about 51 per cent of non-gipsy committers and 43 per cent of gipsy committers before the procedure.

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<sup>2</sup> Gabor Bernath: Of own materials. The notion of roma people in the Hungarian media. In: Beszélő, June 2003.

Distribution by the examined crimes shows a yet more interesting face, and proves the hypothesis we made when checking the difference between the details of identity check and *flagrante delicto*. A sharp difference can be found only in case of petty theft, in view of investigations started against persons unknown. In this case when starting the investigation 37 per cent of non-gipsy committers were unknown, while this rate among gipsy committers was 51 per cent. If we survey this deviation in the relation of bigger and smaller cities, it will be verifiable that authorities will 11 per cent more likely find a gipsy committer than a non-gipsy one, if the procedure goes in front of a court of a small city.

We found an interesting relation between the ratio of gipsies and the effectiveness of investigations. (The effectiveness of investigations is the quotient of the number of succesfully finished investigations and the allover number of investigations.) According to that, in those five counties where the density of gipsies is the highest (in counties Borsod-Abaúj-Zemplén, Heves, Nógrád, Szabolcs-Szatmár-Bereg, Jász-Nagykun-Szolnok the average ratio of gipsies is 9,3 per cent) the results of police forces are outstanding in investigating petty theft, theft or robbery.

Table 6.  
Effectiveness of investigations in counties where the density of gipsies is the highest in 2000

County	Density of gipsies	Theft	Burglary	Robbery
Borsod-Abaúj-Zemplén	10,8	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
Heves	7,6	5 <sup>th</sup>	12 <sup>th</sup>	1 <sup>st</sup>
Nógrád	10,3	2 <sup>nd</sup>	1 <sup>st</sup>	4 <sup>th</sup>
Szabolcs-Szatmár-Bereg	10,4	6 <sup>th</sup>	4 <sup>th</sup>	5 <sup>th</sup>
Jász-Nagykun-Szolnok	7,5	9 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>
Average*	9,3	4,6	4,4	3

\*The amount of the lowest rankings (1-5.) equals 15, therefore their average is 3

It’s right to say that it was arbitrary to choose the details of one year and to draw conclusions from those. However, if we take the average details of five years between 1996 and 2000, the result will be similar. The investigation of all three examined delicts was six to nine per cent more succesful on a par compared to the mean of rates of all 19 counties. (If we took the results of the capital, Budapest, into account, the difference would have been about eleven to twenty-four percent, but it would not have been correct according to the fact that criminality of a big city differs very much from other kinds and the task of police forces is much more difficult.)

Table 7.

*Effectiveness of investigations in counties where the density of gypsies is the highest between 1996 and 2000 (in percents)*

County	Density of gypsies	Theft	Burglary	Robbery
Borsod-Abaúj-Zemplén	10,8	44,68	37,24	70,66
Heves	7,6	33,11	29,42	71,65
Nógrád	10,3	42,54	40,89	67,62
Szabolcs-Szatmár-Bereg	10,4	36,60	38,06	64,64
Jász-Nagykun-Szolnok	7,5	30,28	32,82	68,51
Average of these 5 counties	9,3	37,44	35,69	68,62
Average of all counties	5,1	31,74	28,48	59,30
County-wide average	4,5	26,01	24,65	46,35

The result is similar, if we survey the indexes of clearing up in the examined period of time. (The simple definition for index of clearing up is the quotient of crimes cleared up after starting investigation against a person unknown, and the total number of investigations against committers unknown.) According to this, between 1996 and 2000, 47,64 per cent of investigations started against persons unknown finished with a result in counties here the density of gipsy population is the highest, while this rate is significantly lower (42,2 per cent) in counties Csongrád, Fejér, Győr-Moson-Sopron, Vas, Veszprém, where the less gypsies live.

The difference will be even more spectacular, if we take a look at the details from main district police forces of both three countries of the highest and the lowest density of gypsies. The average effectiveness for five years is 51,32 per cent in counties Borsod-Abaúj-Zemplén, Nógrád and Szabolcs-Szatmár-Bereg (where the ratio of gipsy population is 10,5 per cent), while it was 40,24 per cent in counties Csongrád, Fejér and Győr-Moson-Sopron (where the ratio of gipsy population is 1,6 per cent). Therefore, while the gipsy population is six and a half times smaller in these counties, police forces work with a significantly, 20-25 per cent lower effectiveness than they do in gipsy-dense districts.



*Table 8.*

*Effectiveness in per cents in finding unknown committers on average of years 1996-2000*

Country-wide average including Budapest	37.76
Country-wide average not including Budapest	43.65
Borsod-Abaúj-Zemplén County	52.90
Nógrád County	53.44
Szabolcs-Szatmár-Bereg County	47.62
On average of three counties where the density of gipsies is the highest	51.32
Csongrád County	45.15
Fejér County	39.34
Győr-Moson-Sopron County	36.22
On average of three counties where the density of gipsies is the weakest	40.24

Of course it's pleasing if the index of the effectiveness of investigation is higher, while the opposite is depressing. The difference itself is not enough to indicate the unlike relation between the police and gipsies, and is not enough as well to prove discrimination. But, it's worth to compare the effectiveness to the frequency of delicts come to light.

*Table 9.*

*Number of delicts became known and the frequency among every 10000 inhabitants in the average of years 1996-2000*

Counties	Number of delicts in the average of five years	Population (x1000)	The frequency of delicts among every 10000 inhabitants in the average of five years
Borsod-Abaúj-Zemplén	27 129	733	370,3
Nógrád	7 469	217	344,2
Szabolcs-Szatmár-Bereg	22 028	571	386,2
On average of three counties above	56 626	1 521	369,6
Csongrád	19 691	419	469,6
Fejér	18 981	425	446,3
Győr-Moson-Sopron	21 338	424	502,9
On average of three counties above	60 010	1 268	472,9



**Although the rate of criminality (counted proportionally to the population) is 30 per cent bigger in counties where density of gipsies is the lowest, the effectiveness of investigation is 25 per cent higher in territories where the number of gipsy people is the most.** This is surprising in the light of the popular belief that among gipsies there is a higher ratio of crime than among non-gipsies; and, moreover, it's hard to clear up a crime committed by an unknown gipsy committer. **In their totality, statistics seem to be contrary to that consistent opinion which was explored in a research among policemen, that** *"it's easier for police forces where there are no gipsies at all, moreover, the presence of gipsies hinders the work of policemen."*

There's a widely held view in the society and among police forces as well that the level of crime would be much lower without gipsy delinquency. We don't want to state on the opposite that without gipsies criminal investigation would be in trouble, but the details mentioned above show that it's easier for the police where density of gipsies is bigger, because it's more likely that an unknown gipsy committer of a crime becomes detected than a non-gipsy one.

Of course it's an important social interest that all committers of crimes must be caught and called to account, but extreme control and discriminative treatment against gipsies is problematic even from two different points of view. On the one hand, if members of an ethnical minority are subject to an extreme police control (only because it is clearly seen from the colour of one's skin or the quality of one's clothes, or according to one's place of residence, social status or domestic relations it is likely that one belongs to this minority), that harms the equality of rights guaranteed by the Constitution of the Republic of Hungary, and the act on equal chances. On the other — practical — hand, if (according to the need of efficiency and less difficulties in identification of gipsies) police extremely concentrate on controlling minority communities, than it will take the forces away from less succesful fields of investigation. "Easier success" that can be reached in catching gipsies who committed a crime produces the false illusion of effectiveness among policemen, because in criminal statistics stealing of firewood or robbing a jewellery are equal details in value.

